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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,794	06/13/2005	Ronald J. Craswell	115710-161648	4320
25943 7590 04/27/2011 Schwabe Williamson & Wyatt PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204				
EXAMINER DANIEL JR, WILLIE J				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,794

Applicant(s)

CRASWELL ET AL.

Examiner

WILLIE J. DANIEL JR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 01 April 2011. **Claims 1-5 and 10-12** are now pending in the present application and **claims 6-9 and 13-29** are canceled.
This office action is made **Non-Final**.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 April 2011 has been entered.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code 103(a) not included in this action can be found in a prior Office action.
Claims 1-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kawamata et al.** (hereinafter **Kawamata**) (**US 6,820,259 B1**) in view of **Herschberg et al.** (hereinafter **Herschberg**) (**US 2003/0022657 A1**) and further supported by **Ross et al.** (hereinafter **Ross**) (**US 2004/0203681 A1**).

Regarding **claim 1**, Kawamata discloses a terminal apparatus (e.g., 1250, 150) which reads on the claimed "wireless computing apparatus" { (see col. 10, lines 44-50; Figs. 1-2 & 12) } having:

a processor (e.g., terminal side control unit 180) { (see col. 11, lines 47,62-64; Figs. 2 & 12) }; and

a memory (e.g., navigation unit 195) comprising computer executable instructions which, upon execution (e.g., command) are operative to cause the wireless computing apparatus (e.g., 1250, 150) to { (see col. 3, lines 5-13,30-33,49-51; col. 11, lines 47-51, 62-64; Figs. 2 & 12), where the software of the navigation unit is updated from the issuing of a software update command };

request available updates { (see col. 10, lines 61-63; col. 11, lines 58-61; col. 12, lines 35-40; Figs. 13 'ref. 1305', 16 'ref. 1610') };

receive, in response to said request, an update catalog (e.g., software group) of available updates { (see col. 10, lines 61-63; col. 13, lines 15-28; Figs. 13 'ref. 1325' & 18) },

receive, with the update catalog (e.g., software group), mandatory updates (e.g., software group necessary) { (see col. 13, lines 15-23,46-51; Figs. 7 & 18) };

install the received mandatory updates (e.g., software group necessary) { (see col. 13, lines 46-51; col. 14, lines 12-16; col. 10, lines 37-40; Figs. 7, 15 'ref. 1515', & 18) }.

Kawamata does not specifically disclose having the feature(s) the available updates comprising available discretionary updates; determine that a first group of the available discretionary updates has not already been installed on the wireless computing apparatus, and is applicable to the software currently installed on the wireless computing apparatus, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a second update category different from the first update category; determine that a

second group of the available discretionary updates has already been installed on the wireless computing apparatus, or is inapplicable to the software currently installed on the wireless computing apparatus; based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus; and automatically select the one or more depicted available discretionary updates belonging to the first update category, but not the one or more depicted available discretionary updates belonging to the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates belonging to the second update category. However, the examiner maintains that the feature(s) the available updates comprising available discretionary updates; determine that a first group of the available discretionary updates has not already been installed on the wireless computing apparatus, and is applicable to the software currently installed on the wireless computing apparatus, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a second update category different from the first update category; determine that a second group of the available discretionary updates has already been installed on the wireless computing apparatus, or is inapplicable to the software currently installed on the wireless computing apparatus; based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus; and automatically select the one or more depicted available discretionary updates belonging to the first update category, but not the

one or more depicted available discretionary updates belonging to the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates belonging to the second update category was well known in the art, as taught by Herschberg.

In the same field of endeavor, Herschberg discloses the feature(s) the available updates comprising available discretionary updates (e.g., optional applications) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 4, [0093, 0095]), where the system has optional applications that the user has the option to download (see pg. 4, [0086, 0088]; Fig. 1a) };

determine that a first group of the available discretionary updates (e.g., optional applications) has not already been installed on the wireless device (106) which reads on the claimed “wireless computing apparatus”, and is applicable (e.g., compatible) to the software currently installed on the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 3, [0076]; pg. 4, [0093]; Fig. 2), where the system provides optional applications for downloading (see pg. 4, [0086, 0088]; pg. 10, [0181]; Figs. 1a & 46c) }, and

wherein one or more of the available discretionary updates of the first group belongs to a first update category { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 10, [0180]), where the application has not currently on the device }, and

another one or more of the available discretionary updates of the first group belongs to a second update category (e.g., not compatible including permission deny/unauthorized application) different from the first update category { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not

downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]));

determine that a second group of the available discretionary updates has already been installed on the wireless computing apparatus (106), or is inapplicable (e.g., not compatible including permission deny/unauthorized application) to the software currently installed on the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]));

based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display (e.g., UI 202) of the wireless computing apparatus (106) { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a, 2, & 46c), where the system prompts a user to select optional applications for download }; and

automatically select the one or more depicted available discretionary updates belonging to the first update category, but not the one or more depicted available discretionary updates belonging to the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates belonging to the second update category { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download }. As further support, Herschberg at the least discloses the feature(s) receive, with the update catalog, mandatory updates (e.g., required applications) { (see pg. 1, [0009, lines 7-13]; pg. 4,

[0093, 0095])); install the received mandatory updates (e.g., required applications) { (see pg. 9, [0172, lines 4-6]; pg. 11, [0197, lines 1-6]) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) the available updates comprising available discretionary updates; determine that a first group of the available discretionary updates has not already been installed on the wireless computing apparatus, and is applicable to the software currently installed on the wireless computing apparatus, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a second update category different from the first update category; determine that a second group of the available discretionary updates has already been installed on the wireless computing apparatus, or is inapplicable to the software currently installed on the wireless computing apparatus; based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus; and automatically select the one or more depicted available discretionary updates belonging to the first update category, but not the one or more depicted available discretionary updates belonging to the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates belonging to the second update category, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]). The combination of Kawamata and Herschberg clearly

discloses the feature(s) indicated above as evidenced by the fact that one of ordinary skill in the art would clearly recognize. However, the examiner maintains that the feature(s) based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus was well known in the art, as taught by Ross.

As further support in the same field of endeavor, Ross discloses the feature(s) based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus (e.g., cellular telephone 12) { (see pgs. 2-3, [0022]; Fig. 4), where system allows a user of a device (12) to select and download applications }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) based on results of the determinations, depict representations of the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless computing apparatus, in order have a system, method, and computer program for providing an applications catalog, as taught by Ross (see pg. 1, [0006]).

Regarding **claim 2**, Kawamata discloses every limitation claimed as applied above in claim 1. Kawamata does not specifically disclose having the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to obtain the one or more depicted available discretionary updates belonging to the first update category. However, the examiner maintains that the feature(s) the computer

executable instructions further operative, upon execution, to cause the wireless computing apparatus to obtain the one or more depicted available discretionary updates belonging to the first update category was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus (106) to select a desired discretionary update (e.g., optional applications) from said first group { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; Figs. 1a & 46c), where an application is selected for downloading (see pg. 11, [0199, lines 10-16]; pg. 2, [0086, 0088, 0093]) }; and

to obtain said desired discretionary update { (see pg. 10, [0181, lines 11-13]; Fig. 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to obtain the one or more depicted available discretionary updates belonging to the first update category, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 3**, Kawamata discloses every limitation claimed as applied above in claim 2. Kawamata does not specifically disclose having the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update. However, the examiner maintains that the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update (e.g., optional applications) { (see pg. 10, [0181, lines 11-13]; Fig. 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) the computer executable instructions further operative, upon execution, to cause the wireless computing apparatus to install said obtained discretionary update, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 4**, Kawamata discloses update currently installed on the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed }. Kawamata does not specifically disclose having the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus. However, the examiner maintains that the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) wherein said second group comprises an available discretionary update (e.g., not compatible including permission deny/unauthorized application) currently installed (e.g., resident) on the wireless computing apparatus (106) {

(see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0178]; Figs. 1a & 46c), where applications that are not compatible are denied or deleted from device (106) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) wherein said second group comprises an available discretionary update currently installed on the wireless computing apparatus, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 5**, Kawamata discloses update inapplicable to software is currently installed on the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed }. Kawamata does not specifically disclose having the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus. However, the examiner maintains that the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) wherein said second group comprises an available discretionary update inapplicable (e.g., not compatible including downloaded application) to software currently installed (e.g., resident) on the wireless computing apparatus (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0178]; Figs. 1a & 46c), where applications that are not compatible are denied or deleted from device (106) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) wherein said second group comprises an available discretionary update inapplicable to software currently installed on the wireless computing apparatus, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Regarding **claim 10**, Kawamata discloses a method of updating data on a wireless mobile device (e.g., terminal apparatus 1250, 150) { (see col. 10, lines 44-50; col. 3, lines 5-13,30-33; col. 11, lines 47-51; Figs. 1-2 & 12), where the software of the navigation unit is updated }, the method comprising:

requesting available updates by the wireless mobile device (1250, 150) { (see col. 10, lines 61-63; col. 11, lines 58-61; col. 12, lines 35-40; Figs. 13 'ref. 1305', 16 'ref. 1610') };

receiving by the wireless mobile device (1250, 150), in response to said requesting, an update catalog (e.g., software group) for available updates { (see col. 10, lines 61-63; col. 13, lines 24-28; Fig. 18) },

receiving by the wireless mobile device (1250, 150), with the update catalog, a mandatory update (e.g., software group necessary) { (see col. 10, lines 61-63; col. 13, lines 15-23,46-51; Figs. 7 & 18) };

installing by the wireless mobile device (1250, 150) the received mandatory update (e.g., software group necessary) { (see col. 13, lines 46-51; col. 14, lines 12-16; col. 10, lines 37-40; Figs. 7, 15 'ref. 1515', & 18) };

updates is incompatible with { (see col. 6, lines 42-44), where the software cannot be installed (see col. 8, lines 46-51) }, or

is currently installed on, the wireless computing apparatus (150) { (see col. 5, lines 63-64; col. 6, lines 24-25; Fig. 4 'ref. 445'), where the system determines that software is already possessed }. Kawamata does not specifically disclose having the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently installed on the wireless mobile device, and is applicable to the software currently installed on the wireless computing device, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a second update category different from the first update category; determining by the wireless mobile device that a second group of the available discretionary updates is currently installed on, or is inapplicable to the software currently installed on, the wireless computing apparatus; and based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device; and automatically selecting the one or more depicted available discretionary updates of the first update category, but not the one or more depicted available discretionary updates of the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates of the second update category. However, the examiner maintains that the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently

installed on the wireless mobile device, and is applicable to the software currently installed on the wireless computing device, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a second update category different from the first update category; determining by the wireless mobile device that a second group of the available discretionary updates is currently installed on, or is inapplicable to the software currently installed on, the wireless computing apparatus; and based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device; and automatically selecting the one or more depicted available discretionary updates of the first update category, but not the one or more depicted available discretionary updates of the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates of the second update category was well known in the art, as taught by Herschberg.

In the same field of endeavor, Herschberg discloses the feature(s) catalog comprising available discretionary updates (e.g., optional applications) { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 4, [0093, 0095]), where the system has optional applications that the user has the option to download (see pg. 4, [0086, 0088]; Fig. 1a) };

determining by the wireless device (106) which reads on the claimed “wireless mobile device” that a first group of the discretionary updates (e.g., optional applications) is not currently installed (e.g., not resident) on the wireless mobile device (106), and is applicable to the software currently installed (e.g., resident) on the wireless device (106) { (see pg. 1,

[0007, lines 7-9; 0009, lines 7-13]; pg. 3, [0076]; pg. 4, [0093]; Fig. 2), where the system provides optional applications for downloading (see pg. 4, [0086, 0088]; pg. 10, [0181]; Figs. 1a & 46c), and

wherein one or more of the available discretionary updates of the first group belongs to a first update category { (see pg. 1, [0007, lines 7-9; 0009, lines 7-13]; pg. 10, [0180]), where the application has not currently on the device }, and

another one or more of the available discretionary updates of the first group belongs to a second update category (e.g., not compatible including permission deny/unauthorized application) different from the first update category { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]) };

determining by the wireless mobile device that a second group of the available discretionary updates is currently installed (e.g., resident) on, or is inapplicable (e.g., not compatible including permission deny/unauthorized application) to the software currently installed (e.g., resident) on, the wireless mobile device (106) { (see pg. 1, [0007, lines 7-13]; pg. 4, [0092, 0095]; pg. 10, [0177-0178]), where applications that are not compatible are denied or not downloaded and where installed applications that are denied or incompatible are deleted from device (106) (see pg. 11, [0195; 0197, lines 11-15; 0198, lines 11-16; 0199, lines 6-10]) };

based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable

manner on a display of the wireless mobile device { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download }; and

automatically select the one or more depicted available discretionary updates belonging to the first update category, but not the one or more depicted available discretionary updates belonging to the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates belonging to the second update category { (see pg. 1, [0009, lines 7-13]; pg. 10, [0181, lines 1-4]; pg. 11, [0199, lines 10-16]; Figs. 1a & 46c), where the system prompts a user to select optional applications for download }. As further support, Herschberg at the least discloses the feature(s) receiving by the wireless mobile device, with the update catalog, mandatory updates (e.g., required applications) { (see pg. 1, [0009, lines 7-13]; pg. 4, [0093, 0095]) }; installing by the wireless mobile device the received mandatory updates (e.g., required applications) { (see pg. 9, [0172, lines 4-6]; pg. 11, [0197, lines 1-6]) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg to have the feature(s) catalog comprising available discretionary updates; determining by the wireless mobile device that a first group of the discretionary updates is not currently installed on, and is applicable to software currently installed on the wireless mobile device, and is applicable to the software currently installed on the wireless computing device, wherein one or more of the available discretionary updates of the first group belongs to a first update category and another one or more of the available discretionary updates of the first group belongs to a

second update category different from the first update category; determining by the wireless mobile device that a second group of the available discretionary updates is currently installed on, or is inapplicable to the software currently installed on, the wireless computing apparatus; and based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device; and automatically selecting the one or more depicted available discretionary updates of the first update category, but not the one or more depicted available discretionary updates of the second update category, to enable user selection of at least one of the one or more depicted available discretionary updates of the second update category, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]). The combination of Kawamata and Herschberg clearly discloses the feature(s) indicated above as evidenced by the fact that one of ordinary skill in the art would clearly recognize. However, the examiner maintains that the feature(s) based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device was well known in the art, as taught by Ross.

As further support in the same field of endeavor, Ross discloses the feature(s) based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device (e.g., cellular telephone 12) { (see pgs. 2-3,

[0022]; Fig. 4), where system allows a user of a device (12) to select and download applications }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) based on results of the determinations, depicting by the wireless mobile device the available discretionary updates of the first group, but not of the second group, in a selectable manner on a display of the wireless mobile device, in order have a system, method, and computer program for providing an applications catalog, as taught by Ross (see pg. 1, [0006]).

Regarding **claim 11**, the combination of Kawamata and Herschberg as further supported by Ross discloses every limitation claimed, as applied above (see claim 10), in addition Kawamata further discloses the method of claim 10, wherein said determining comprises comparing, by the wireless mobile device, the update catalog to the software currently installed on the wireless mobile device, wherein the software is at least one of an operating system or an application { (see col. 5, lines 47-66; Figs. 7 & 18) }.

Regarding **claim 12**, Kawamata discloses every limitation claimed as applied above in claim 10. Kawamata does not specifically disclose having the feature(s) obtaining, by the wireless mobile device, said one or more depicted available discretionary updates of the first update category. However, the examiner maintains that the feature(s) obtaining, by the wireless mobile device, said one or more depicted available discretionary updates of the first update category was well known in the art, as taught by Herschberg.

Herschberg further discloses the feature(s) obtaining, by the wireless mobile device, said one or more depicted available discretionary updates (e.g., optional applications) of the first update category { (see pg. 1, [0009, lines 7-13]; pg. 2, [0086, 0088, 0093]; pg. 10, [0181, lines 1-4,11-13]; Figs. 1a & 46c) }.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kawamata and Herschberg as further supported by Ross to have the feature(s) obtaining, by the wireless mobile device, said one or more depicted available discretionary updates of the first update category, in order to provide a system and method for managing application provisioning to one or more wireless devices, as taught by Herschberg (see pg. 1, [0005, lines 1-2]).

Response to Arguments

4. Applicant's arguments with respect to claims 10-12 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

5. Repeat from item 6 of office action mailed on 02 November 2010 - Regarding applicant's remark on pg. 6, 3rd full par., "...non-relevant update may be a discretionary (non-mandatory) update previous or currently installed on the client device, **and/or** an update that is inapplicable to the currently installed operating system and/or versions of software running on the client device...", the Examiner has withdrawn the 112 rejection. Relevant available updates (i.e., non-mandatory) has **two requirements** which are 'have not already been installed on the client device' **and** 'client device has a **use** (e.g., applicable)' (see orig. spec., pg. 9, lines 21-25; remarks section pg. 5, 6th par. and pg. 6, 1st full par.). For example, currently installed operating system and/or versions of software running on the client device is still applicable since the client device has a use for or currently using the installed operating system and/or versions of software. The orig. spec. recites "...use (e.g., that are applicable...)..." (see orig. spec., pg. 9, lines 23-24) as the boundary and the Examiner has interpreted --applicable-- as an alternate for the term 'use'.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Uchida et al. (US 2002/0016166 A1) discloses a download system.
- b. Nishikawa et al. (US 2002/0128029 A1) discloses a data distribution device and method, and data receiving device and method.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to 3 whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willie J. Daniel, Jr./
Examiner, Art Unit 2617

WJD,Jr
24 April 2011